

### **REMARKS**

This is in response to the Office Action mailed on July 10, 2009, in which claims 1-2 and 10 were rejected under 35 U.S.C. § 101; claims 4-8 and 11-21 were rejected under 35 U.S.C. § 112, second paragraph; claims 1, 2, 4-8 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,644,322 (*Webb*); claims 11-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Webb* in view of U.S. Patent Pub. No. 2002/0026223 (*Riff*). With this Amendment, claims 22-29 are canceled without prejudice, with the Applicant reserving the right to pursue claims 22-29 in one or more divisional applications. In addition, claims 1, 2, 4, 5, and 11 are amended with this Amendment. Claims 1, 2, 4-8, and 10-21 are pending in the present application.

#### **Claim Rejections – 35 U.S.C. § 101**

Claims 1, 2 and 10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 1 is amended to include a system server having first and second server ports that communicate with the first and second interpretation systems. Support for the amendments to claim 1 are found in the specification at, for example, paragraph [0087]. Thus, with the addition of a machine (a system server) to claim 1, and by tying other elements of claim 1 to the system server, claim 1 falls within the purview of 35 U.S.C. § 101. Therefore, because the system of claim 1 is directed to patentable subject matter, it is respectfully requested that the rejection of claims 1, 2, and 10 under 35 U.S.C. § 101 be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 4-8 and 11-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. With this Amendment, claims 4, 5, and 11 are amended to overcome the antecedent basis issues cited on page 3 of the Office Action. Thus, it is respectfully requested that the rejection of claims 4-8 and 11-21 under 35 U.S.C. § 112, second paragraph be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 2, 4-8 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Webb*. In order for a claim to be anticipated, each and every element of the claim must be

described in a prior art reference. However, *Webb* does not teach each and every limitation of claims 1, 2, 4-8 and 10.

First, the system as recited in amended claim 1 includes a system server with a first server port operable to receive encoded data from a first implantable medical device type and a second server port operable to receive encoded data from a second implantable medical device type. As acknowledged on page 8 of the Office Action, *Webb* does not teach or suggest a server including multiple ports each operable to receive encoded data from different implantable medical device types.

In addition, the system recited in amended claim 1 includes a first data interpretation system that is operable to receive a first encoded data set, which is encoded in a form specific to the first implantable medical device type, from the first server port and to convert the first encoded data set to a first decoded data set. The system recited in claim 1 further includes a second interpretation system that is operable to receive a second encoded data set, which is encoded in a form specific to the second implantable medical device type and different from the first implantable medical device type, from the second server port and to convert the second encoded data set to a second decoded data set.

*Webb* discloses converting “Patient Session Information” comprising IMD data and patient data stored in IMD memory in one human language into another human language. However, nothing in *Webb* teaches or fairly suggests that *Webb*’s system includes different interpretation systems to decode data in forms specific to different implantable medical device types, as required by claim 1.

Furthermore, amended claim 1 requires a first data abstraction engine and a second data abstraction engine that associate elements of the first decoded data set and the second decoded data set, respectively, to data elements common to the first and second implantable medical device types to provide a first abstracted data set and a second abstracted data set, respectively, in a common data format.

*Webb* describes converting XML formatted Patient Session Information into a human language understandable to the user using an Extensible Stylesheet Language (XSL) stylesheet. However, nothing in *Webb* teaches or fairly suggests that decoded data from different implantable medical device types is associated with data elements common to the implantable medical device types to produce data in a common format.

Therefore, because all elements of claim 1 are not disclosed, taught, or suggested by *Webb*, it is respectfully requested that the rejection of claims 1, 2, 4-8 and 10 under 35 U.S.C. § 102(e) be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 11-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Webb* in view of *Riff*. Claim 11 recites a data translation system including a processor and a computer readable medium. The computer readable medium includes instructions executable by the processor to receive an encoded data set from one of a plurality of implantable medical device types via one of a plurality of ports. Each of the plurality of ports is assigned to one of the implantable medical device types. The instructions are further executable by the processor to select a conversion utility based at least in part upon the port via which the encoded data set is received from one of the implantable medical devices.

As acknowledged by the Office Action on page 8, *Webb* does not teach or suggest a plurality of ports each assigned to one implantable medical device type, or that a conversion utility is selected based on the port via which the encoded data set is received. To supply these deficiencies, the Office Action turns to the disclosure of *Riff*. However, *Riff* does not supply these deficiencies.

*Riff* discloses a method and system that facilitates access by a patient of implanted medical device related data for patient participation in their own clinical care and therapy. A communications link 106 is established between an IMD 102 and a data processor 108 via an IMD port interface 104.

The Office Action cites paragraphs 0022 and 0025 as disclosing the requirements of claims 11-21 not taught by *Webb*. Paragraph 0022 relates to establishing the communications link 106 between the IMD 102 and the IMD port interface 104, and paragraph 0025 describes establishing communication between the IMD 102 and a data processor 108 via the IMD port interface 104 so the patient can access information in a database 109. However, nothing in either of paragraphs 0022 or 0025, or the remainder of *Riff*, disclose, teach, or suggest that the IMD port interface 104 includes a plurality of ports each assigned to one implantable medical device type, much less any sort of selection based on the port via which encoded data is received, as

required by claims 11. Therefore, neither *Webb* nor *Riff*, either alone or in combination, teach all elements of claim 11, the rejection of claim 11 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 12-21 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Webb* in view of *Riff*. Claims 12-21 depend from claim 11, and as such these claims are allowable for the same reasons set forth above. Furthermore, it is respectfully submitted that the combinations of features recited in claims 12-21 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

### **CONCLUSION**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If it would be helpful, the Examiner is invited to contact the undersigned at the number listed below to facilitate prosecution of this application.

Respectfully submitted,

FAEGRE & BENSON LLP

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By: Paul G. Koziol  
Paul G. Koziol  
Reg. No. 58,515  
612/766.8965  
Customer No.: 42074